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## ABSTRACT

This pamphlet provides a summary of the educational benefits available to dependents of deceased veterans, or those veterans missing in action or forcibly detained, under Chapter 35 of Title 38 U.S. Code, Public Law 101-237, the Veterans' Educational Assistance Program. The pamphlet, in question and answer format, includes information to help in understanding how qualified persons can receive payments under the program, and offers suggestions on where to go to for help and to get more detailed information. Twenty-five specific questions cover such concerns as eligibility, how long educational assistance is available, how much assistance one can receive, types of training allowed and the restrictions that exist, counseling availability, criteria for continuing financial support, and what responsibilities the recipient has in regard to enrollment changes and payment discrepancies. (GLR)

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Department of  
Veterans Affairs

# Summary of Educational Benefits

Under the Survivors' and  
Dependents' Educational  
Assistance Program  
Chapter 35 of Title 38 U.S.  
Code

ED 366 252

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Washington DC 20420

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This pamphlet is designed to provide information to eligible dependents, survivors, and other interested parties concerning title 38 benefit programs in accordance with section 421 of Public Law 101-237.

## **INTRODUCTION**

The Department of Veterans Affairs (VA) provides educational benefits under the Survivors' and Dependents' Educational Assistance Program. This program provides education and training opportunities to eligible dependents of certain veterans.

This pamphlet provides a general description of the education benefits. It includes information to help you understand how you receive payments under the program. It offers suggestions on where to go for help and to get more detailed information.

The information may be of help to you in making a decision to enter training. You should read it carefully to understand fully the range of benefits available.

This pamphlet is a summary of the benefits available under this program. Do not rely on it to determine if you are eligible for education benefits. To receive a formal decision from VA, you must file a claim for benefits.

## **ARE YOU ELIGIBLE?**

The program provides financial aid for the education of dependent sons, daughters, and spouses of:

- Veterans who died or are permanently and totally disabled as the result of a service-connected disability. The disability must arise out of active service in the Armed Forces.
- Veterans who died from any cause while such service-connected disability was in existence.
- Servicepersons missing in action or captured in line of duty by a hostile force.
- Servicepersons forcibly detained or interned in line of duty by a foreign government or power.

## **HOW MANY MONTHS OF BENEFITS CAN YOU GET?**

You may be entitled to receive up to 45 months of education benefits.

You may receive a maximum of 48 months of benefits under more than one VA education program. For example, if you used 30 months of your own benefits as a veteran, and are eligible as a dependent, you could have 18 more months.

## **HOW IS ENTITLEMENT CHARGED?**

You are charged 1 full day of entitlement for each day of full time benefits paid.

For spouses pursuing correspondence training, you use 1 month each time VA pays 1 month of benefits. If your full time rate is \$404, and you receive \$1212 for a correspondence course, the charge is 3 months.

## **HOW MUCH EDUCATIONAL ASSISTANCE WILL YOU GET?**

### **Rates for Schooling**

<u>Monthly Rate</u>	<u>Training Time</u>
\$404	Full
\$304	Three-Quarter
\$202	One-Half

### **Rates for Apprenticeship and Job Training**

<u>Monthly Rate</u>	<u>Period of Training</u>
\$294	First 6 Months
\$220	Second 6 Months
\$146	Third 6 Months
\$ 73	Remainder of Program

### **Rates for Farm Cooperative Training**

<u>Monthly Rate</u>	<u>Training Time</u>
\$327	Full
\$245	Three-Quarter
\$163	One-Half

If you take cooperative training, you receive \$327 per month.

Only spouses are eligible for correspondence training. You receive 55% of the approved charges for the course.

If you are training at less than one-half time, you receive the lesser of:

- The monthly rate based on the tuition and fees for your course(s); or
- \$202 for less than one-half time or \$101 for one-quarter time.

## **HOW LONG ARE YOU ELIGIBLE?**

### **SON OR DAUGHTER**

To receive benefits for attending school or job training under the program, you must be between the ages of 18 and 26. In certain instances, it is possible to begin before age 18 and to continue after age 26. Marriage is not a bar to this benefit. A young person eligible for training may not enroll while in the Armed Forces. To pursue training after military service, your discharge must not be under dishonorable conditions. VA can extend your period of eligibility by the number of months and days equal to the time spent on active duty. This extension cannot go beyond your 31st birthday.

### **SPOUSES**

Benefits end 10 years from the date VA finds you eligible or from the date of death of the veteran. In certain instances, VA can grant an extension of this period. This is possible if a physical or mental disability prevented you from using some portion of your education benefits. The physical or mental disability must occur during your 10 year period of eligibility.



## WHAT TRAINING MAY YOU TAKE?

You may receive benefits for a wide variety of training.

You may seek an undergraduate or graduate degree at a college or university. Included are associate, bachelor, master, and doctorate degrees. You may take a cooperative training program. You may also take an accredited independent study program leading to a college degree.

You may take courses leading to a certificate or diploma from business, technical, or vocational schools.

You may work and train in an apprenticeship or job training program offered by a company or union.

If you are a spouse, you may take a correspondence course.

You may take a farm cooperative course.

If you would like to study abroad, education benefits are payable only for programs leading to a college degree.

You may take secondary school programs if you are not a high school graduate.

You may take secondary school deficiency or remedial courses to qualify for admission to an educational institution.

A State agency or VA must approve each program offered by a school or company. If you want to know if you may receive benefits for a program, contact the VA regional office in the State where you will train.

An eligible son or daughter who is handicapped by a physical or mental disability that prevents pursuit of an educational program may receive Special Restorative Training. This may involve speech and voice correction, language retraining, lip reading, auditory training, Braille reading and writing, or anything of this nature.

An eligible spouse or son or daughter over age 14 who is handicapped by a physical or mental disability that prevents pursuit of an educational program may receive Specialized Vocational Training. This includes specialized courses, alone or in combination with other courses, leading to a

vocational objective that is suitable for the person and required by reason of physical or mental handicap.

## **ARE YOU ELIGIBLE FOR REMEDIAL, DEFICIENCY, AND REFRESHER TRAINING?**

You may be eligible for benefits for remedial, deficiency, and refresher courses. Remedial and deficiency courses are special ones intended to assist a student in overcoming a deficiency in a particular area of study. Remedial and deficiency courses must be necessary for pursuit of a program of education. Refresher training is available only at the elementary or secondary level. It is for reviewing or updating material previously covered in a course that you satisfactorily completed. There is no entitlement charge for these courses for the first 5 months of training.

## **ARE YOU ELIGIBLE FOR TUTORIAL ASSISTANCE?**

You may receive a special allowance for individual tutoring if you enter school at 1/2 time or more. To qualify, you must have a deficiency in a subject, making the tutoring necessary. The school must certify the tutor's qualification and the hours of tutoring. If eligible, you may receive a maximum monthly payment of \$100. The maximum total benefit is \$1,200. There is no entitlement charged for tutorial assistance. To apply, complete VA Form 22-1990t, Application and Enrollment Certification for Individualized Tutorial Assistance. Give it to the certifying official in the office handling VA paperwork at your school to complete.

## **ARE YOU ELIGIBLE FOR WORK-STUDY?**

You may be eligible for an additional allowance under a work-study program. The work-study program allows you to perform work for VA in return for an hourly wage. You may perform outreach services under the supervision of a VA employee, prepare and process VA paperwork, work at a VA medical facility, or other approved activities. You must train at the 3/4 or full-time rate.



The maximum number of hours you may work is 25 times the number of weeks in your enrollment period. Payments will be at the Federal minimum wage or your State minimum wage, whichever is greater. To apply, complete VA Form 20-8691, Application for Work-Study Allowance. Send it to the nearest VA regional office.

If you have an overpayment, you may be able to participate in work-study in order to reduce or eliminate your overpayment.

## **ARE THERE RESTRICTIONS ON TRAINING?**

There are some restrictions on training. Benefits are not payable for the following courses:

- Bartending or personality development courses.
- Any course given by radio.
- Any course or courses taken solely by open-circuit television.
- Vocational flight training.
- Self-improvement courses such as reading, speaking, woodworking, basic seamanship, and English as a second language.
- Any course which is avocational or recreational in character.
- Audited courses.
- Courses not leading to an educational, professional or vocational objective.
- Courses you have taken before and successfully completed.
- Courses taken by a Federal government employee under the Government Employees' Training Act.
- Courses taken while in receipt of benefits for the same program from the Office of Workers' Compensation Programs.

**VA must reduce benefits if you are in a Federal, State or local prison after being convicted of a felony.**

**You may not receive benefits for a program at a proprietary school if you are an owner or official of the school.**

**If you seek a college degree, the school must admit you to a degree program by the start of your third term.**

**You may not receive benefits under this program while serving on active duty in the Armed Forces.**

## **CAN YOU BE ELIGIBLE FOR MORE THAN ONE BENEFIT?**

**Yes, you can be eligible under more than one education benefit program. If you are, you must elect which benefit to receive for each program you take. The benefits are:**

- Chapters 30, 31, and 32 of Title 38, U. S. Code;
- Chapters 106 and 107 of Title 10, U. S. Code;
- Section 903 of the Department of Defense Authorization Act of 1981;
- The Hostage Relief Act of 1980; and
- The Omnibus Diplomatic Security and Antiterrorism Act of 1986.

### **IMPORTANT:**

If you are eligible for more than one benefit, we suggest that you discuss your education plans with a VA counselor. The counselor can help you explore the options open to you and plan your program to use your benefits fully.

## ***PENSION, COMPENSATION AND DIC (DEPENDENCY AND INDEMNITY COMPENSATION) PROGRAMS.***

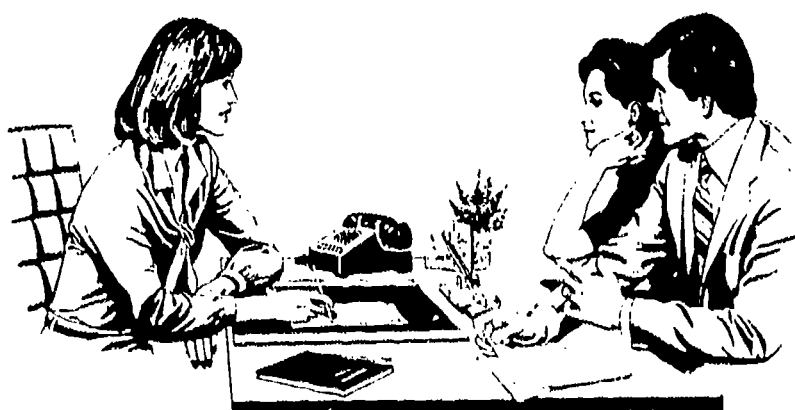
**A son or daughter, eligible for pension, compensation or DIC based on school attendance,**

must elect which benefit to receive. An election of educational assistance is a bar to further payment of pension, compensation or DIC after the age of 18.

**IMPORTANT:**

If your program will last longer than 45 months, you may find it to your advantage to defer chapter 35 benefits. You could continue to receive pension, compensation, or DIC benefits which are payable as a result of your school attendance.

If a deferral is to your advantage, we recommend that you discuss with a VA counselor the various options open to you. A counselor can help you plan your program to maximize benefits. A counselor can also provide help in establishing a future date to elect chapter 35 benefits.



## **IS COUNSELING AVAILABLE?**

Upon request, VA will provide counseling services, including testing to help you:

- Select an educational, vocational, or professional objective and develop a plan to achieve that goal; and
- Overcome any personal or academic problems which may interfere with the successful achievement of your goal.

Professionally qualified personnel will provide these counseling services to you free of charge. You must pay the cost of any travel, however, to and from the place at which VA provides

counseling. VA will make every effort to arrange counseling appointments at times and places convenient to you. VA education application for contain a space for requesting counseling.

VA requires and provides counseling for each disabled child who needs special services to pursue a program of education and for certain other eligible children.

VA requires and provides counseling for disabled spouses and those who need specialized program of vocational training as a result of the handicapping effects of their disabilities.

Contact the nearest VA regional office for more information or to schedule a counseling appointment.

## **CAN YOU CHANGE PROGRAMS?**

If you change the educational, professional, or vocational objective for which you entered training VA considers this a change of program. However VA does not consider any of the following to be change of program:

- A change in the type of courses needed to attain a vocational objective;
- A change in your educational, professional, or vocational objective following the completion of the immediately preceding program of education; or
- A return to your previous educational, professional, or vocational objective following a change in program.

If you are a spouse, the law permits one change program without prior VA approval if your attendance, conduct, and progress in the last program were satisfactory. VA may approve additional changes if the proposed programs are suitable to your abilities, aptitudes, and interests

If you are a son or daughter making any change program, VA may approve the program change finds that the new program is suitable to your abilities, aptitudes, and interests.

## **MUST YOU MAINTAIN SATISFACTORY ATTENDANCE, CONDUCT, AND PROGRESS?**

Once you start receiving benefits, you must maintain satisfactory attendance, conduct, and progress. If you do not meet the standards set by your school, the certifying official must notify VA. VA will stop your benefits if the school reports unsatisfactory attendance, conduct, or progress.

VA may resume benefits if:

- You reenter the same program at the same school; and
- Your school approves your reentry and certifies it to VA.

If you do not reenter the same program at the same school, VA may resume benefits if:

- The cause of your unsatisfactory attendance, conduct, or progress has been removed; and
- The program you intend to pursue is suitable to your abilities, aptitudes, and interests.

## **WHAT MUST YOU DO TO QUALIFY?**

Once you find a school with a program you want or a company or union offering an apprenticeship or job training in your field, there are two important steps.

- **FIRST**, make sure the program you choose is approved for VA training. If you are not clear on this point, VA will inform you and the school or company about the requirements.
- **SECOND**, complete VA Form 22-5490, Application for Survivors' and Dependents' Educational Assistance. Send it to the VA regional office with jurisdiction over the State where you will train. If you are a son or daughter, under legal age, a parent or guardian must sign the application. If of age, a son or daughter can apply alone.

VA will review your application and let you know if anything else is needed.

If you have started training, take your application to your school or employer. Ask them to complete VA Form 22-1999, Enrollment Certification, and send both forms to VA.

## **WHAT SHOULD YOU DO IF YOU DISAGREE WITH A VA DECISION?**

You may appeal VA decisions on education benefits. You must file an appeal within one year of the date you receive notice of a decision. Each notice of decision issued by VA contains your legal rights and appeal procedures. You may request a personal hearing on your claim.

If you need assistance in filing an appeal, contact the nearest VA regional office or a veterans service organization.

## **HOW DO YOU RECEIVE MONTHLY PAYMENTS?**

After choosing a school and submitting your application to VA, ask the certifying official at your school to complete an enrollment certification form. The certifying official will send the enrollment certification to the appropriate VA regional office. VA will process the form and determine your eligibility to benefits.

If you are taking courses leading to a college degree at a college or university, you will receive payment for a month only after completing that month's training. You will normally receive a check on the first of a month for the previous month's training.

If you are taking courses leading to a certificate or diploma from business, technical, or vocational schools, you will receive a monthly verification to complete and return to the appropriate VA regional office. Upon processing, VA will release a check.

If you are in an apprenticeship or job training program, you will receive a form to report the hours worked each month. Sign the form and give it to the certifying official for the company or union. The

certifying official must complete the form and send it to the appropriate VA regional office. Upon processing, VA will release a check.

If you are taking a correspondence course, you will receive a form to certify the lessons you complete each quarter, i.e., March, June, September, and December. Enter the number of lessons completed during the quarter. Send the form to the school to enter the number of lessons serviced during the quarter. The school will send the form to the appropriate VA regional office. Upon processing, VA will release a check. Payments are based upon the number of lessons serviced by the school.

The law prohibits schools from cashing VA checks under a power of attorney agreement.

### **WHAT SHOULD YOU DO IF YOU DON'T RECEIVE A CHECK OR VERIFICATION FORM?**

If you are taking courses leading to a college degree at a college or university, you should receive your check by the 5th of the month following training. If you do not, immediately contact the nearest VA office. Explain that you are receiving education benefits under Chapter 35 and have not received a check. The person answering the telephone will take the information and determine the status of the check.

If you are taking courses leading to a certificate or diploma from a business, technical, or vocational school, you should receive a verification by the 5th of the month following training. If you do not, immediately contact the nearest VA office. Explain that you are receiving education benefits under Chapter 35 and have not received your monthly verification form. The person answering the telephone will record the necessary information and forward it to the appropriate VA office for processing.

Whenever you contact VA, have your VA file number readily available.

### **MAY YOU GO PART-TIME?**

If you are unable to attend full time, consider going part-time. Benefit rates for part-time training are

less than the full-time rate. Likewise, the entitlement charge for part-time training is less than the charge for full-time training. For example, if you receive benefits for 12 months at full time, the charge is 12 months. If you receive benefits for 12 months at 1/2 time, the charge is 6 months.

## **CAN YOU GET AN ADVANCE PAYMENT?**

You may receive an advance payment for the initial month or partial month and the following month, if:

- You train at 1/2 time or more;
- The school agrees to handle advance payments;
- You request an advance payment in writing; and
- VA receives your enrollment certification at least 30 days before classes start.

VA will mail an advance payment check, made out to you, to the school for delivery to you at registration, but not more than 30 days before classes start. Before you request an advance payment, ask the certifying official if your school has agreed to process advance payments. Your request for an advance payment must be on VA Form 22-1999, Enrollment Certification, or a sheet of paper attached to the enrollment certification.

If you receive an advance payment at registration, be sure that the appropriate school official certifies to VA that you received the check. If you reduce your enrollment or withdraw from all courses during the period covered by an advance payment, you could have an overpayment that VA is required to collect from you. If you think the amount of a VA check is incorrect, contact VA before cashing the check.

## **WHAT ARE YOUR RESPONSIBILITIES?**

### **CHANGES IN YOUR ENROLLMENT**

If you change your enrollment, immediately tell the certifying official at your school. Request the certifying official to notify the appropriate VA regional office of the change. Also notify the



appropriate VA regional office of the change yourself. If VA does not receive prompt notice of a change, you could be liable for an overpayment of benefits.

*NOTE: Employees of schools who process VA forms are not VA employees.*

## **CHANGE OF ADDRESS**

Promptly notify the appropriate VA regional office of any change in your address. Send your complete new address, including the ZIP Code.

## **CHANGE IN MARITAL STATUS**

If you are a spouse you must report any of the following changes in marital status which may affect your eligibility:

- Separation from the veteran;
- Divorce from the veteran; and
- Remarriage following the death of the veteran.

## **WHAT HAPPENS IF YOU CHANGE YOUR ENROLLMENT?**

If you withdraw from one or more of your courses after the end of your school's drop period, you may have to repay all benefits for the course(s). If you are enrolled in a course leading to a college degree at a college or university, VA will reduce your benefits at the end of the month in which you withdrew. If you are enrolled in a course leading to a certificate or diploma from a business, technical or vocational school, VA will reduce your benefits on the date of withdrawal. For any enrollment, if you withdraw from all courses, VA will stop your benefits on the date of withdrawal.

You may not have to repay the benefits if you show that the change was due to mitigating circumstances. VA defines "mitigating circumstances" as unavoidable and unexpected events that directly interfere with your pursuit of a course and are beyond your control.

**Examples of reasons VA may accept are:**

- Extended illness;
- Severe illness or death in your immediate family;
- Unscheduled changes in your employment; and
- Lack of child care.

**Examples of reasons VA may not accept are:**

- Withdrawal to avoid a failing grade;
- Dislike of the instructor; and
- Too many courses attempted.

**NOTE:** VA may ask you to furnish evidence to support your reason for a change. If a serious injury or illness caused the change, obtain a statement from your doctor. If a change in employment caused the change, obtain a statement from your employer.

The first time you withdraw from up to six credit hours, VA will "excuse" the withdrawal and pay benefits for the period attended.

**REMEMBER:** This only applies to your first withdrawal.

If you receive a grade that does not count toward graduation, you may have to repay all benefits for the course(s). You should check the grading policy at your school with the registrar or the office handling VA paperwork. The school may have "non-punitive grades." VA defines "non-punitive grades" as those not used to compute graduation requirements. Common examples are:

- An "I" grade for an incomplete which is not made up during the time period required by the school or within 1 year from receipt;
- A "W" grade for withdrawing;
- An "AU" grade for auditing; or
- Any grade the school does not use to compute the GPA (grade point average) or its equivalent.

If you receive a non-punitive grade, the school will notify VA. Upon receipt of the notice, VA may reduce or stop benefits. You may not have to repay the benefits if you show that the grade was due to mitigating circumstances.

## **HOW CAN YOU PREVENT OVERPAYMENTS?**

An overpayment is an incorrect benefit payment that is more than the amount to which you are entitled. Promptly notifying VA of changes affecting your benefits can prevent overpayments.

In addition, use reasonable judgment when you accept and cash a check. Carefully read all letters from VA on monthly rates and effective dates of your benefits. If you think a VA check is wrong, contact VA before cashing the check. Return any checks for too much money to VA.

If you cash a check for the wrong amount, you will be liable for repayment of the resulting overpayment.

## **WHAT HAPPENS IF YOU HAVE AN OVERPAYMENT?**

VA is required to take prompt and aggressive action to recover overpayments. You have the right to request a waiver of the overpayment or verification that the amount is correct. If an overpayment is not repaid or waived, VA may add interest and collection fees to your debt and take one of the following actions to collect the debt:

- Withhold future benefits to apply to your debt;
- Refer your debt to a private collection agency;
- Recover the debt from your Federal income tax refund;
- Recover the debt from your salary if you are a Federal employee;
- File a lawsuit in Federal court to collect the debt; or

- Withhold approval of a VA home loan guarantee.

## WHERE TO GO FOR HELP

For forms and information, any one of the following offices or representatives can assist you:

- Any VA regional office;
- Any VA office or Vet Center;
- Local representatives of veterans organizations; or
- American Embassies or Consulates, if you reside in a foreign country (except the Republic of the Philippines).



Consult a telephone directory under United States Government, Department of Veterans Affairs or Veterans Administration, for the telephone number of the office nearest you. Toll-free telephone service is available in all 50 states, Puerto Rico, and the U. S. Virgin Islands. Call 1-800-827-1000.

To assure that accurate information and courteous responses are given to the public, VA supervisory personnel occasionally monitor telephone calls. No record is kept of the caller's name, address, file number, or telephone number.

To obtain information on other forms of assistance, contact the financial aid office at your school.

RESCISSION:

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